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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,199	02/22/2007	Eric Thelen	DE 030367	1431
24737 7590 10/01/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
SING, SIMON P				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
10/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/577,199

Applicant(s)

THELEN ET AL.

Examiner

SIMON SING

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CD/CD)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because "said sets" in line 8 lacks antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ford et al. US 4,700,411.

- 2.1 Regarding claim 1, Ford discloses an advertising system, comprising:
acquisition means for acquiring audio data (column 5, lines 16-21);
database means for storing situational information (keywords) and messaging information (advertisements) (column 5, lines 21-27; column 7, lines 23-30);
processing means for processing said data, said processing means being configured to match said data to one of said sets of situational information and for

selecting messaging information according to said matched situational information (column 5, lines 16-27; 34-39; column 8, lines 13-21); and

presentation means for presenting the selected messaging information (column 5, lines 23-27, 34-42; column 8, lines 59-67).

2.2 Regarding claim 2, Ford teaches storing sets of situational information (keywords) and associated messaging information (advertisement) (column 5, lines 21-27; column 7, lines 23-30); and where said presentation means present the message information associated with the matched set of situation information (column 5, lines 23-27, 34-42; column 8, lines 59-67).

2.3 Regarding claim 3, Ford teaches a Communication media Interface, a Conversation Content Analyzer and summarizer, a Database Manager, and a Caller Interface for acquiring said audio data, processing said audio data and presenting said message information (column 6, lines 59-63; column 7, lines 46-67; column 8, lines 13-21, 47-67) and an interface for connecting to a database (column 7, 23-30).

2.4 Regarding claim 4, Ford teaches Communication Media Interface and a Caller Interface, for acquiring said audio data and presenting said message information (column 6, lines 59-63; column 7, lines 46-67; column 8, lines 47-67) and an interface for connecting to a database (column 7, 23-30).

2.5 Regarding claim 5, Ford teaches using voice recognition and compare with keywords (text) (column 7, lines 63-67; column 9, lines 9-19).

2.6 Regarding claim 6, Ford teaches comparing to keywords (column 7, lines 63-67; column 9, lines 9-19).

2.7 Regarding claim 7, Ford teaches a database for personal identifications (column 6, lines 7-15).

2.8 Regarding claim 8, Ford teaches subscriber profile (column 6, lines 7-15).

2.9 Regarding claims 9 and 10, Ford teaches video phones which convert video data received to image or picture (object) (column 6, lines 34-37).

2.10 Regarding claim 11, Ford teaches:

acquiring audio data (column 5, lines 16-21);

a database for storing situational information (keywords) and messaging information (advertisements) (column 5, lines 21-27; column 7, lines 23-30);

processing said data, said processing means being configured to match said data to one of said sets of situational information and for selecting messaging information according to said matched situational information (column 5, lines 16-27; 34-39; column 8, lines 13-21); and

presenting the selected messaging information (column 5, lines 23-27, 34-42; column 8, lines 59-67).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a) Banks et al. US 6, 856,673 discloses presenting advertisement to a user telephone based on user profile (column 1, lines 43-48).
- b) Shivaram et al. US 2004/0203963 also teaches presenting advertisement to a user telephone based on user profile (Abstract).

Conclusion

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

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/Simon Sing/

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09/25/2008